

Decision 02-01-023 January 9, 2002

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the City Lincoln, for an order authorizing the City to: construct Lincoln Parkway Overpass over the tracks and right of way of the Union Pacific Railroad Company in the City of Lincoln, Placer County, State of California.

Application 01-06-031
(Filed June 4, 2001)

O P I N I O N

Summary

The City of Lincoln (City) requests authority to construct an overpass over the tracks and right of way of the Union Pacific Railroad Company (UPRR) and State Route 65 between Westlake Boulevard and Sterling Parkway in Lincoln, Placer County. The proposed overpass will be referred to as the Lincoln Parkway Overpass (Overpass), Public Utilities Commission (PUC) Crossing No. 001C-116.10-A. A map of the project vicinity is set forth in Appendix A.

Discussion

The proposed project will provide at a separated grade, an east-west crossing of UPRR tracks and State Route 65, and relieve future traffic congestion on nearby streets due to planned development in the area. The project will be financed with \$1.1 million by UPRR and the balance, estimated at \$ 0.8 million, will be paid by the City. The Annual Average Daily Traffic (AADT) on the Overpass in the year 2010 is projected to be 15,200 vehicles. Below the Overpass, there will be 19 train movements per day involving both freight and passenger

trains. Based on the projected high AADT and frequent train movement, the Overpass is necessary in order to provide the public a safer means of crossing the railroad tracks and State Route 65, while at the same time providing new vehicular access between developing east and west Lincoln.

The Overpass will consist of a three-span precast/post-tensioned box girder bridge. Falsework will be erected over UPRR's right-of-way and all falsework clearances, both horizontal and vertical, will meet UPRR's and the Commission's requirements. The vertical clearance during construction will not be less than 21 feet. Upon completion of the proposed Overpass, all falsework will be removed and the permanent Overpass structure will have clearances in accordance with General Order 26-D. The Overpass will have two vehicle lanes, each one having a width of 3.600 meters (11.81 feet), and two outside shoulders/bike lanes, each one having a width of 1.52 meters wide. The northerly edge of the Overpass will have a 1.52-meter wide sidewalk. The total Overpass length will be 122.90 meters (403.23 feet) and the width will be 12.60 meters (41.34 feet). The Overpass has been designed and will be constructed in accordance with the State of California, Department of Transportation Standards.

Construction of the Overpass is scheduled to begin in September, 2001. There will be no special signs, signals, or other warning devices installed during construction. Prior to vehicular access over the Overpass, traffic signals at Westlake Blvd./Lincoln Parkway and Sterling Parkway/Lincoln Parkway will be installed and activated.

The City is the lead agency for this project under the California Environmental Quality Act of 1970 (CEQA), as amended, Public Resources Code 21000 et. seq. On February 26, 2001, in compliance with CEQA, the City filed its Notice of Determination approving this project, and in so doing, stated that the

project may incrementally contribute to, but will not exceed the significant environmental impacts previously identified in the Lincoln General Plan Public Facilities Element Environmental Impact Report (PFEEIR), the Lincoln Crossing Specific Plan EIR, the Twelve Bridges Specific Plan EIR, or the Eastpark Specific Plan EIR, and the project will otherwise result in no new or significant environmental impacts.

In Exhibit “D” in the Application, the EIR, “Initial Study for the Lincoln Parkway Overcrossing,” evaluates the impact of this project on the environment. Within this report, it is noted that the Lincoln Parkway Overcrossing was an improvement that was assumed in the Lincoln General Plan PFEEIR, the Lincoln Crossing Specific Plan EIR, the Twelve Bridges Specific Plan EIR, and the Eastpark Specific Plan EIR. In its evaluation of this Overpass project, the City has determined that this project will result in no new significant environmental impacts. Within each of the above-noted EIRs, mitigation measures have been identified to reduce potential impacts associated with these projects; however, no new mitigation measures, other those previously identified in the above EIRs, are required for this Overpass project.

The Commission is a responsible agency for this project under CEQA (Public Resources Code Section 21000 et seq.). CEQA requires that the Commission consider the environmental consequences of a project that is subject to its discretionary approval. In particular, to comply with CEQA, a responsible agency must consider the lead agency’s EIR or Negative Declaration prior to acting upon or approving the project (CEQA Guideline Section 15050(b)). The specific activities that must be conducted by a responsible agency are contained in CEQA Guideline Section 15096.

The Commission has reviewed the City's environmental documentation as well as the above-identified environmental documents referenced by the City as establishing the adopted mitigation measures for the project. The environmental documentation included an analysis of potential environmental impacts including those related to land use and planning, agricultural resources, hydrology and water, mineral resources, aesthetics, cultural resources, biological resources, population and housing, hazards and hazardous materials, noise, transportation and traffic, and air quality.

Safety and security, transportation and noise are within the scope of the Commission's permitting process. The environmental documentation did not identify any potential impacts related to safety and security.

Noise impacts were identified in the Eastpark EIR and the Twelve Bridges EIR related to temporary increases in construction noise levels and cumulative traffic noise. The mitigation measures adopted to address these impacts require the contractor/developer to limit construction hours, install setbacks and/or noise barriers to reduce noise to specified levels, employ the use of mufflers, enclosure panels, or other noise suppression attachments on equipment, and perform any blasting in accordance with the City of Lincoln imposed conditions.

Transportation and traffic impacts were identified in the Eastpark EIR, the Twelve Bridges EIR and the Lincoln Crossing EIR. Impacts related to reduced level of service at specified intersections and increased roadway traffic volumes at specified areas. The adopted mitigation measures include construction of a circulation system in compliance with the City's circulation-related policies, implementation of the City's ridesharing program, construction of specified park and ride lots, the construction of lane improvements, and improved intersection geometries.

Under the adopted Mitigation and Monitoring Plans, the City retains ultimate responsibility for monitoring and enforcement, with implementation oversight by the City Engineer and/or the Community Development Department.

The Commission's Rail Safety and Carriers Division (RSCD), Rail Crossings Engineering Section staff inspected the site of the proposed project. After reviewing the need for and safety of the proposed crossing, the staff recommends that the requested authority sought by the City be granted for a period of three years.

With respect to the potentially significant or significant noise and transportation impacts identified above, the Commission finds that the City adopted feasible mitigation measures to either eliminate or substantially lessen those impacts.

Application 01-06-031 meets the filing requirements of the Commission's Rules of Practice and Procedure, including Rule 38, which relates to the construction of a public highway across a railroad.

In Resolution ALJ 176-3066 dated June 28, 2001, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. No protests have been received. The Commission's RSCD recommends that this application be granted. Given these developments, a public hearing is not necessary, and it is not necessary to disturb the preliminary determinations made in Resolution ALJ 176-3066.

This is an uncontested manner in which the decision grants the relief requested. Accordingly, pursuant to Public Utilities Code Section 311(g)(2), the otherwise applicable 30-day period for public review and comments is being waived.

Findings of Fact

1. Notice of the application was published in the Commission Daily Calendar on June 22, 2001. No protests have been filed.

2. The City requests authority, under Public Utilities Code Sections 1201-1205, to construct an overpass between Westlake Boulevard and Sterling Parkway over the tracks and right of way of the UPRR and State Route 65, which will be identified as PUC Crossing No. 001C-116.10-A.

3. Public convenience, safety and necessity require the construction of the Lincoln Parkway Overpass.

4. The City is the lead agency for this project under the CEQA, as amended.

5. The Commission is a responsible agency for this project, and has reviewed and considered the City's environmental documentation as well as the EIRs specified in this decision upon which the City relied in adopting mitigation measures for the project.

6. On February 26, 2001, the City filed its Notice of Determination approving the project and found that the Lincoln Overpass would not result in new or significant environmental impacts.

7. Safety, security, transportation and noise are within the scope of the Commission's permitting process.

8. The City's environmental documents did not identify any potential environmental impacts from the project related to safety or security.

9. The Commission finds that for each potentially significant or significant impact related to transportation or noise, the City adopted feasible mitigation measures to either eliminate or substantially lessen those impacts.

Conclusions of Law

1. The application is uncontested and a public hearing is not necessary.

2. The application should be granted as set forth in the following order.

O R D E R

IT IS ORDERED that:

1. The City of Lincoln (City) is authorized to construct Lincoln Parkway Overpass between Westlake Boulevard and Sterling Parkway over the tracks and right of way of the Union Pacific Railroad Company (UPRR), which will be identified as Public Utilities Commission (PUC) Crossing No. 001C-116.10-A.
2. Prior to vehicular access over Lincoln Parkway Overpass, the City will install and activate traffic signals at Westlake Blvd./Lincoln Parkway and Sterling Parkway/Lincoln Parkway.
3. Clearances shall be in accordance with General Order (GO) 26-D; except during the period of construction, a vertical clearance of not less than 21 feet above top of rail shall be authorized. The UPRR shall be authorized to operate with such reduced overhead clearance provided that instructions issued by UPRR are filed with the Commission's Rail Safety and Carriers Division (RSCD) limiting the height of loads beneath the structure.
4. The City shall notify RSCD and UPRR at least 15, but not more than 30, days in advance of the date when the temporary impaired clearance will be created.
5. Walkways shall conform to GO 118. Walkways adjacent to any trackage subject to rail operations shall be maintained free of obstructions and shall be promptly restored to their original condition in the event of damage during construction.

6. Construction and maintenance costs shall be borne in accordance with an agreement that has been entered into between the parties. A copy of the agreement shall be filed by the City with RSCD prior to construction. Should the

parties fail to agree, the Commission will apportion the costs of construction and maintenance by further order.

7. Prior to construction, the City shall file with RSCD final construction plans, approved by UPRR.

8. The City will inform the Rail Crossings Engineering Section of RSCD in writing within 30 days of the date of completion of this project.

9. This authorization shall expire if not exercised within three years unless time is extended or if the above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity, or safety so require.

10. This application is granted as set forth above.

11. Application 01-06-031 is closed.

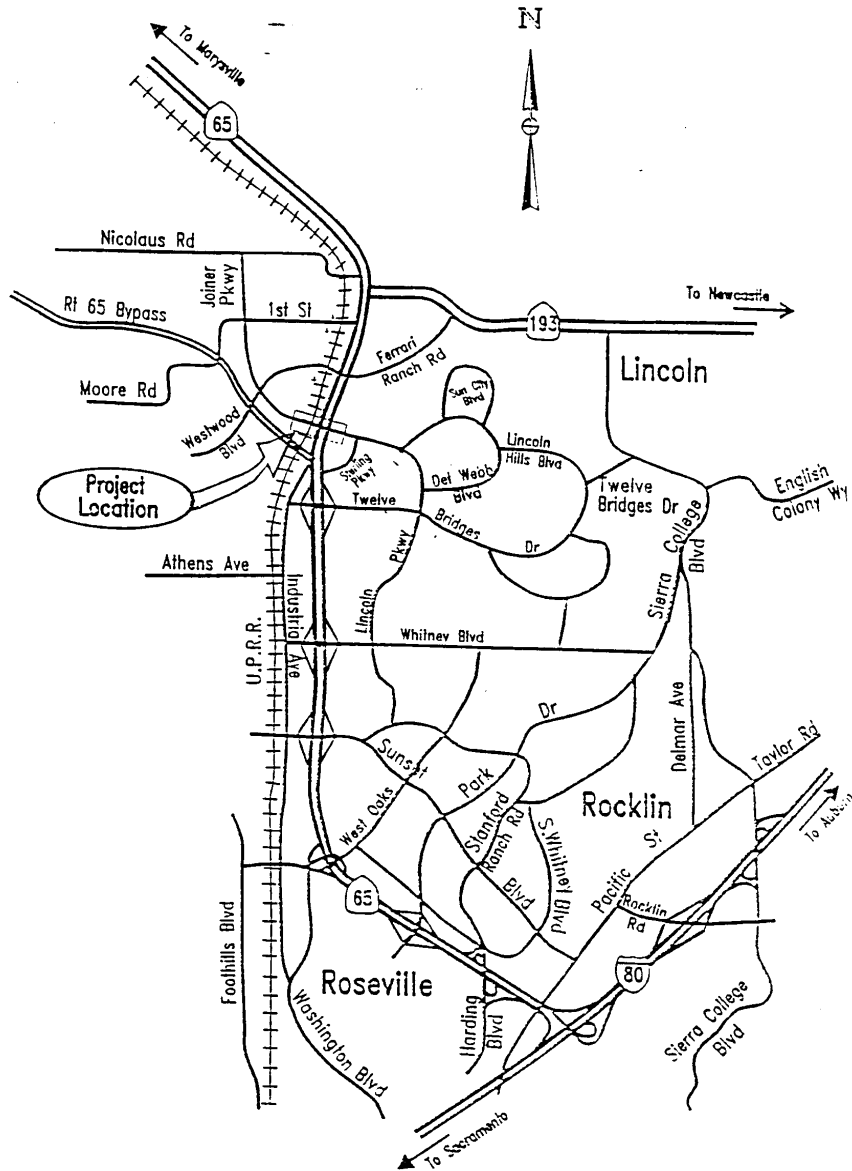
This order becomes effective 30 days from today.

Dated January 9, 2002, at San Francisco, California.

LORETTA M. LYNCH
President
HENRY M. DUQUE
RICHARD A. BILAS
CARL. W. WOOD
GEOFFREY F. BROWN
Commissioners

APPENDIX A

| IF CALIFORNIA - DEPARTMENT OF TRANSPORTATION | DESIGN OVERSIGHT | | REMOVED BY | |
|--|----------------------------|-----------------|------------|---------|
| | CALCULATED/ DESIGNED BY | RHT DATE TAL | DATE | REMOVED |
| | CHECKED BY | DW | | |



Location Map

NOT TO SCALE

(END OF APPENDIX A)